

CHAPTER 15 PUBLIC RECORDS OF THE DISTRICT OF COLUMBIA

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1500 GENERAL PROVISIONS

- 1500.1 Section 7(a)(1) of D.C. Law 6-19 the "District of Columbia Public Records Management Act of 1985" ("Act") provides that any record created or received by the District in the course of official business is the property of the District. Except as provided by law or in these regulations, such records shall not be destroyed, sold, transferred, or disposed of in any manner.
- 1500.2 Any person who misuses, mutilates, or destroys public records shall be subject to the penalties provided in the Act.

- 1500.3 This chapter shall be administered by the Administrator, the Archivist, the Records Manager, the Chief of the Library of Governmental Information, or by other subordinate officials of the Office of Public Records who are designated by them.
- 1500.4 The Administrator may obtain the services of experts and consultants in the fields of records management and archives and related fields, in accordance with applicable personnel or contracting regulations.
- 1500.5 The Administrator shall be the only official authorized to accept a subpoena *duces tecum* or other legal demand for records or donated historical material in the custody of the Archives.
- 1500.6 Access to records stored in the Records Center or other approved storage depository shall be controlled by the District agency that transferred the records.

SOURCE: Final Rulemaking published at 34 DCR 7001 (October 30, 1987).

AUTHORITY: Unless otherwise noted, the authority for this chapter is section 3(e) of D.C. Law 6-19, the "District of Columbia Public Records Management Act of 1985," as amended, D.C. Code §§ 1-2901 *et seq.* (1999 Repl.).

1501 RECORDS DISPOSITION COMMITTEE

- 1501.1 Members of the Records Disposition Committee shall serve without compensation, but appropriate expenses may be reimbursed by the Public Records Administrator from the funds of the Office of Public Records, if authorized in advance by the Administrator.
- 1501.2 In accordance with section 6(b) of the Act, the Records Disposition Committee shall convene when called by the chairperson or any 3 members to do the following:
- (a) Review and act upon agency Records Retention Schedules, General Records Schedules, and Disposal Lists submitted for consideration by the Administrator;
 - (b) Review and act upon requests for exceptions from the provisions of agency Records Retention Schedules or General Records Schedules;
 - (c) Accept for the Archives nonpublic records of historic significance on the recommendation of the Administrator; and
 - (d) Consider and resolve policy and other matters affecting the District records disposition program.

- 1501.3 In accordance with section 7(a)(1) of the Act, records of the District may only be transferred, destroyed or disposed of as prescribed by schedules or disposal lists that have been approved by the Committee.
- 1501.4 In accordance with section 6(c) of the Act, the concurrence of the Administrator shall be required for the destruction of any public record.
- 1501.5 The Committee's approval for the disposition of records in accordance with this chapter, concurred in by the Administrator if required, shall be the final agency decision of the District of Columbia on records disposition.
- 1501.6 The decisions of the Committee may be appealed to the D.C. Court of Appeals in accordance with the provisions of the D.C. Administrative Procedure Act.
- 1501.7 If advised in writing of an intention to appeal the authorization for the destruction of public records, the Administrator shall assure that the records subject to destruction are not destroyed for sixty (60) days; and, if a timely appeal is filed, until the court has decided the appeal.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7002 (October 30, 1987).

1502 AGENCY RECORDS MANAGEMENT PROGRAMS

- 1502.1 Agency heads shall establish controls over the creation of records to ensure that adequate and proper records are made and preserved in the District government.
- 1502.2 Agency officials shall create and maintain records which meet the following minimum documentation standards set forth in subsections 1502.3 through 1502.5.
- 1502.3 The record of every transaction of public business by any District official or employee shall be complete to the extent required by the following:
- (a) To facilitate actions by incumbents and their successors in office;
 - (b) To make possible proper oversight by the Council of the District of Columbia, courts and other authorized agencies of the government, and other persons responsible for the manner in which public business has been discharged; and
 - (c) To protect the financial, legal and other rights of the government and of persons affected by the government's actions.

- 1502.4 The programs, policies, and procedures of agencies shall be documented in directives. A copy of each directive shall be maintained as a part of the official records.
- 1502.5 Officials shall create and maintain records containing all essential information relating to formulation and execution of government policy as follows:
- (a) Significant decisions and commitments reached orally (person to person, by telephone, or in conference) shall be documented; and
 - (b) Minutes shall be taken at important board, committee, and staff meetings, and these, together with a copy of the agenda and all documents considered at or resulting from such meetings, shall be made part of the record.
- 1502.6 Papers of a private or nonofficial character which pertain only to an individual's personal affairs that are kept in the office of an official shall be clearly designated as nonofficial and shall be filed separately from the official records of the office.
- 1502.7 In cases where matters requiring the transaction of official business are received in private personal correspondence, that portion of such correspondence that pertains to official business shall be extracted and made a part of the official files.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7003-04 (October 30, 1987)

1503 MAINTENANCE AND USE OF RECORDS

- 1503.1 Agency heads shall establish controls over the maintenance and use of records in accordance with these regulations, and shall ensure that records of continuing historical or other significance can be located when needed and that they are preserved in good condition for eventual transfer to the Archives.
- 1503.2 The head of each agency shall notify the Administrator in writing of any actual, impending, or threatened unlawful defacing, alteration, or destruction of records in the custody of the agency that shall come to his or her attention, and with the advice and assistance of the Administrator shall initiate appropriate administrative action under the personnel regulations and/or appropriate statute.
- 1503.3 Employees of the District shall keep public records at the place where they are required by or pursuant to law to keep their offices or other facilities, except those disposed of in accordance with approved disposition authorizations.

- 1503.4 The head of each agency shall notify the Administrator in writing of any actual, impending, or threatened removal of records in the custody of the agency and, with the advice and assistance of the Administrator, shall initiate appropriate action. Such action may be that which is necessary to prevent such unlawful removal; or through the Corporation Counsel to recover unlawfully removed records.
- 1503.5 The Administrator may initiate administrative and/or legal action pursuant to sections 1503.2 through 1503.4 above, when he or she determines that timely or necessary action will not otherwise be taken.
- 1503.6 The head of each agency shall establish safeguards against the unlawful destruction or removal of records. Safeguards shall include making it known to officials and employees of the agency the following information:
- (a) The requirements of this chapter shall be met;
 - (b) Records in the custody of the agency are not to be removed or destroyed except in accordance with this chapter; and
 - (c) The penalties provided by law shall be invoked for the unlawful removal or destruction of records.
- 1503.7 Provision shall be made by each agency head to ensure that permanent records are preserved but that other inactive records are promptly disposed of as prescribed by approved Records Schedules or Disposal Lists.
- 1503.8 On or before the expiration of his or her term of office, each elected or appointed official shall transfer or relinquish to his or her successor, or if there be none to the Administrator, all public records in his or her custody.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7004-05 (October 30, 1987)

1504 RESPONSIBILITIES OF RECORDS MANAGEMENT OFFICERS

- 1504.1 The responsibilities of Records Management Officers shall include, but not necessarily be limited to, the following:
- (a) Serve as liaison with the Administrator;
 - (b) Develop and carry out the records management program of the agency;
 - (c) Comply with all rules, regulations, guidelines, standards, and procedures issued by the Administrator;

- (d) Prepare agency Records Retention Schedules, amendments to agency Records Retention Schedules, and Disposal Lists in accordance with standards and procedures issued by the Administrator;
- (e) Inventory agency records stored in the Washington National Records Center, or District Records Center, to ensure that such records are scheduled properly. In cases where agency records are not covered by an agency Records Retention Schedule or General Records Schedule, the agency Records Officer shall submit an appropriate request for records disposition authority;
- (f) Arrange for transfers of inactive records to the Archives, Records Center, or other approved depository;
- (g) Oversee the implementation by the agency of Records Retention Schedules, General Records Schedules, and Disposal Lists;
- (h) Review annually the agency Records Retention Schedule and initiate such deletions, changes, or additions as may be necessary to update the schedule;
- (i) Prepare such reports as the Administrator may require for the administration of the District's records management program; and
- (j) Carry out related functions as assigned by the agency head or required by the Administrator.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7005-06 (October 30, 1987).

1505 REVIEW AND EVALUATION OF AGENCY PROGRAMS

1505.1 As required by section 11 of the Act, the Administrator shall review and evaluate agency records management programs to ensure that agencies are successfully carrying out the following:

- (a) Complying with the Act and this chapter;
- (b) Providing for the adequate and proper documentation of the agency's organization, functions, and activities;
- (c) Selecting and properly maintaining permanently valuable records; and
- (d) Promptly disposing of records of temporary value in accordance with approved disposition schedules and lists.

- 1505.2 The Administrator shall furnish to the agency head a written report of the findings of any review or evaluation, together with such recommendations as the Administrator may make.
- 1505.3 An agency head shall submit to the Administrator a plan for implementing the recommendations in the review or evaluation report not later than ninety (90) calendar days after the date of transmittal of the report to the agency head. The agency plan shall include the following:
- (a) Specific actions that the agency plans to take on each recommendation in the evaluation report. If the agency does not intend to implement a recommendation, the reason for not acting shall be documented in the action plan; and
 - (b) A timetable for the completion of each action.
- 1505.4 The Administrator shall take the following actions:
- (a) Analyze the adequacy of the agency action plan to implement the recommendations of the evaluation report and provide comments on the plan to the agency within sixty (60) calendar days; and
 - (b) Provide technical and other assistance to the agency in implementing the plan.
- 1505.5 The Administrator may require periodic progress reports from an agency head on implementation of the action plan.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7006-07 (October 30, 1987).

1506 INSPECTION OF RECORDS

- 1506.1 In accordance with section 11(a) of the Act, the Administrator may inspect any public record of the District of Columbia. Officers and employees of the government shall cooperate fully in such inspections and no document or record may be withheld on the grounds that it is privileged or confidential.
- 1506.2 Neither the Administrator nor his designee shall disclose information obtained from the examination of privileged or confidential records.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7007 (October 30, 1987).

1507 REMOVAL OF RECORDS FROM AGENCY CUSTODY

- 1507.1 Upon request by the Administrator, custodians of public records shall submit written justifications for the continued maintenance of specific series of records within the agency. Justifications shall include one or more of the following:
- (a) Pertinent statutory requirements;
 - (b) Administrative needs of the agency; or
 - (c) Other compelling needs.
- 1507.2 The Administrator may approve or disapprove the justification. If the justification is disapproved, the agency shall follow the instructions of the Administrator relating to the disposition of the records.
- 1507.3 The Administrator may direct the removal of records from an agency for the following reasons:
- (a) The records are endangered in their present location;
 - (b) The records are no longer needed for the conduct of the current business of the agency;
 - (c) The records are more than thirty (30) years old; or
 - (d) The agency justification for continued maintenance of the records within the agency is rejected.
- 1507.4 The Administrator may require such reports from District agencies on their activities under these regulations as he or she deems necessary to administer the Act.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7007-08 (October 30, 1987).

1508 THE DISPOSITION OF PUBLIC RECORDS

- 1508.1 Until such time as the Administrator has issued new guidelines, agencies shall follow the principles, standards, and procedures set forth in the Records Management Handbook entitled The Disposition of Federal Records.
- 1508.2 Each agency shall develop a records disposition program as follows:
- (a) Inventory all records in the custody of the agency;

- (b) Develop disposition standards for each type or series of records which specify whether the records are of permanent or temporary value;
 - (c) Formulate specific disposition instructions for each series of records based on disposition guidelines and instructions issued by the Administrator;
 - (d) Assemble the disposition standards and instructions for each series of records into a comprehensive agency Records Retention Schedule;
 - (e) Submit the proposed Records Retention Schedule for approval to the Archivist, the Administrator, and the Committee;
 - (f) Make any changes in the proposed Records Retention Schedule that may be requested by the Archivist, the Administrator, or the Committee; and
 - (g) Apply the approved Records Retention Schedule to all records of the agency.
- 1508.3 Any Records Retention Schedule in effect on the date of September 5, 1985, shall remain in effect until it is amended or repealed pursuant to these regulations.
- 1508.4 New District agencies shall complete a Records Retention Schedule within two (2) years of their establishment.
- 1508.5 An approved agency Records Retention Schedule shall specify the proper disposition for all agency records. Recurring series of records of continuing value shall be scheduled for permanent retention and eventual transfer to the Archives. Recurring series of all other records shall be scheduled for destruction after a specified period of time based on administrative, fiscal, and legal requirements.
- 1508.6 All agency Records Retention Schedules shall do the following:
- (a) Be prepared in a form specified by the Administrator;
 - (b) Identify and describe clearly each series of records and contain disposition instructions that can be readily applied;
 - (c) Be prepared so that each subordinate office will have standing instructions detailing the destruction, transfer, or retention of records in its custody;

- (d) Specify for temporary records a retention period of no more than five (5) years after creation, or five (5) years after the close of a transaction or case file, or five (5) years after an event; unless explicitly required by statute to retain the records for a longer period of time. Agency heads shall obtain written permission from the Administrator to retain temporary records longer than five (5) years for administrative purposes;
 - (e) Describe permanent records adequately to show the types of records, arrangement, content, and purpose of the series, finding aids and indexes, restrictions on access, and physical form if the records are nontextual items such as maps, photographs, microforms, sound recordings, computer tapes, or other nontextual records;
 - (f) Establish a cutoff period for permanent records after which they shall be offered to the Archives;
 - (g) Provide for the removal to the Records Center or other depository approved by the Administrator of those temporary records not eligible for immediate destruction which are no longer needed for the conduct of current business. Such records shall be maintained by the depository until they are eligible for further disposition action;
 - (h) Provide for the destruction of records that have served their statutory, fiscal or administrative uses in accordance with these regulations; and
 - (i) Provide for the retention of the minimum volume of current records in office space and equipment consistent with efficient operations.
- 1508.7 After completion of its Records Retention Schedule, the agency shall forward the schedule to the Archivist for review, in the form and manner prescribed by the Administrator.
- 1508.8 The Archivist shall examine the schedule to ensure that it meets the following criteria:
- (a) The schedule is complete, accurate, and clear;
 - (b) The records designated as permanent have sufficient value to warrant their transfer to the Archives;
 - (c) No records having permanent value are scheduled for destruction; and
 - (d) The retention periods for temporary records are reasonable.

- 1508.9 The Archivist shall notify the agency in writing if he or she disapproves the schedule. The agency shall make the necessary corrections or modifications and resubmit the schedule to the Archivist.
- 1508.10 If the Archivist and the agency cannot agree on the retention period for any item, an appeal may be made to the Administrator for a decision. Differences shall be resolved prior to the submission of a schedule to the Committee.
- 1508.11 After approval by the Archivist, the schedule shall be submitted to the Administrator for review and approval. The Administrator shall forward the schedule to the Committee for final approval.
- 1508.12 After approval by the Committee, an agency Records Retention Schedule shall constitute the agency's legal authorization to implement the disposition instructions for the records covered by the schedule.
- 1508.13 Provisions of approved agency Records Retention Schedules shall be applied only to records dated later than December 31, 1920. Agencies having records in their custody dated earlier than 1921 shall notify the Archivist and request an appraisal of the records.
- 1508.14 Agencies shall review and update their Retention Schedule annually unless the Administrator determines that a longer period is appropriate.
- 1508.15 Agencies shall schedule the records of new programs within two (2) years of their implementation.
- 1508.16 Amendments to Retention Schedules may be initiated either by the agency or by the Archivist. Amendments shall be in a form prescribed by the Administrator and reviewed and approved in the same manner as the Retention Schedule.
- 1508.17 The head of each agency shall carry out the provisions of an approved Retention Schedule on a continuing basis and in a manner that ensures maximum economy of space, equipment, and personnel.
- 1508.18 The Administrator shall issue detailed instructions on procedures to follow in order to implement schedule provisions, and to transfer records to the Archives, Records Center, or other approved depository.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7008-11 (October 30, 1987), as amended by Final Rulemaking published at 36 DCR 1085 (February 3, 1989).

1509 GENERAL RECORDS SCHEDULES

- 1509.1 General Records Schedules shall provide disposition instructions for records common to more than one (1) District agency. Such schedules shall be developed by the Archivist and approved by the Administrator and the Committee.
- 1509.2 Once adopted, application of the disposition instructions in General Schedules shall be mandatory for all covered agencies unless specific exemption has been granted by the Committee.
- 1509.3 When records covered by the General Records Schedules are incorporated into an agency's Records Retention Schedule, the General Records Schedule number and item number shall be cited.
- 1509.4 Provisions of General Records Schedules shall be applied only to records dated later than December 31, 1920.
- 1509.5 Provisions of General Records Schedules may be applied to records in the custody of the Archives.
- 1509.6 The disposition instructions of the General Records Schedules shall take precedence over the provisions of any agency Records Retention Schedule adopted before September 5, 1985, and any contradictory disposal instructions for District records stored in the Washington National Records Center prior to that date.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7011-12 (October 30, 1987) as amended by Final Rulemaking published at 36 DCR 1085 (February 3, 1989).

1510 DISPOSAL LISTS

- 1510.1 Until updated General Records Schedules for the District have been issued, agencies shall comply with the terms of D.C. Schedule 40, sections 1 through 8 and sections 10 through 31.
- 1510.2 Agencies may request, on a form specified by the Administrator, a one-time authorization to dispose of records that no longer accumulate and have no further operational or other value. This Disposal List, once approved, shall be applied to the records listed.
- 1510.3 A Disposal List shall give the following:
- (a) Title and content of each records series and dates;
 - (b) Quantity of records;

- (c) Finding aids, if any;
- (d) Restrictions on access, if any;
- (e) Physical characteristics of the records if they are nontextual records; and
- (f) The action requested, such as immediate destruction, direct accessioning into Archives, destruction after a period of time, or other disposition.

1510.4 Disposal Lists shall be approved in the same manner as agency Records Retention Schedules.

1510.5 The Archivist may initiate Disposal Lists for records of defunct agencies, for unscheduled or inappropriately scheduled records in the Washington National Records Center or District Records Center, and for other purposes.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7012 (October 30, 1987).

1511 WITHDRAWAL OF DISPOSAL AUTHORITY

1511.1 In an emergency or in the interest of efficient government operations, the Administrator may submit a request to withdraw disposal authorizations in an approved schedule to the Committee for its review and approval. This withdrawal may apply to specific records of a single agency or to a particular type of record common to any or all agencies.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7012 (October 30, 1987)

1512 TEMPORARY EXTENSION OF RETENTION PERIODS

1512.1 Disposition instructions in an approved agency Records Retention Schedule or General Records Schedule shall be mandatory. Records approved for disposal shall not be maintained longer without the prior written approval of the Committee.

1512.2 An agency head may request an extension of the retention period of a series of records on the grounds that special circumstances necessitate a longer retention time and that such an extension is required for the conduct of government business.

1512.3 The agency head's request shall be in writing and shall include the following information:

- (a) Description of the records for which the extension is requested;

- (b) Citation of the pertinent schedule provision that governs the records;
- (c) Statement of the estimated period of time that the records will be required;
and
- (d) Justification for the extension.

- 1512.4 The Archivist and the Administrator shall review the request, and the Administrator shall make recommendations to the Committee for its consideration.
- 1512.5 Upon expiration of an approved extension of retention period, an agency shall apply the normal retention requirements.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7013 (October 30, 1987)

1513 DESTRUCTION OF RECORDS

- 1513.1 Paper records to be destroyed shall, unless restricted, or whenever practicable, be sold as wastepaper and the wastepaper contractor shall be required to pulp, macerate, or shred the records. If the records are restricted by laws or regulations that prohibit their use by the public, a District employee shall witness the destruction of the records.
- 1513.2 Records other than paper records, such as x-rays, plastic recordings, film, and similar items, may be salvaged or sold, but the contract for sale shall prohibit the resale of these records for use as records or documents.
- 1513.3 When the public interest will be served, an agency may propose the transfer of records authorized for destruction to an eligible individual, organization, institution, or governmental body that has made application for them. Such donations shall receive the prior written approval of the Committee.
- 1513.4 The head of an agency shall request the approval of such a transfer by a written request that shall include the following information:
- (a) Name and address of the proposed recipient of the records;
 - (b) A description of the records to be transferred, including dates and volume of the records and the disposition authority that controls the records;
 - (c) A statement providing evidence that the proposed transfer is in the best interests of the government, the proposed recipient agrees not to sell the records as records or documents, and the proposed recipient agrees not to transfer the records to any other entity without the prior written approval of the Committee; and

- (d) A certification that the records contain no information the disclosure of which is prohibited by law or contrary to the public interest.

- 1513.5 The Archivist and the Administrator shall review the request, and the Administrator shall make recommendations for the consideration of the Committee.
- 1513.6 If the request is denied, the agency shall be notified that the records shall be destroyed in accordance with appropriate disposal authorities.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7013-14 (October 30, 1987).

1514 TRANSFER OF RECORDS FROM THE CUSTODY OF ONE AGENCY TO ANOTHER

- 1514.1 No records shall be transferred from the custody of one agency to another without the prior written approval of the Administrator.
- 1514.2 The head of any agency may request the transfer of records to or from the agency. Approval shall be requested by a letter addressed to the Administrator through the Archivist.
- 1514.3 The agency request shall include the following:
 - (a) a detailed description of the records to be transferred;
 - (b) a statement of the current and proposed physical and organizational location of the records;
 - (c) information as to why the proposed transfer is requested; and
 - (d) a justification of the transfer of records that are more than five (5) years old.
- 1514.4 The Administrator shall notify the agency in writing of his or her decision.
- 1514.5 Prior written approval of the Administrator shall not be required under the following conditions:
 - (a) Records are transferred to an approved records storage facility or to the Archives;
 - (b) Records are loaned for official use; or

- (c) The transfer of records or functions or both is required by statute, Reorganization Plan, Mayor's Order, or other legal directive.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7014-15 (October 30, 1987).

1515 RECORDS OF TERMINATED AGENCIES

- 1515.1 The disposition of records of terminated agencies is subject to all the provisions of this chapter. Agencies being terminated shall notify the Administrator of that fact and request guidance in planning the appropriate disposition of their records.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7015 (October 30, 1987).

1516 TRANSFER OF RECORDS TO A RECORDS CENTER OR OTHER APPROVED STORAGE FACILITY

- 1516.1 The Administrator shall issue instructions for the transfer of records to a records center or other approved depository in accordance with this chapter.

- 1516.2 Any agency may transfer records to an approved records center or other storage facility, subject to the following conditions:

- (a) The records are properly scheduled;
- (b) If the records are not scheduled for final disposition, an exception to this regulation shall be obtained from the Administrator by means of a request for courtesy storage;
- (c) Courtesy storage shall not be used to store records indefinitely in a records center. The agency granted permission for courtesy storage shall submit an approved disposition authority for the records within two (2) years;
- (d) The records are not authorized for disposal less than two (2) years after the transfer to the records center or other approved depository; unless excepted from this restriction by the Administrator; and
- (e) Facilities for storing and providing reference on the records are available.

- 1516.3 The transfer of records to the Washington National Records Center and the transfer of personnel and payroll records to the National Personnel Records Center shall be in accordance with procedures specified by the National Archives and Records Administration, by the Administrator, and by the Committee.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7015-16 (October 30, 1987).

1517 TRANSFER OF RECORDS TO THE ARCHIVES

- 1517.1 Records listed as permanent on an approved schedule or Disposal List shall be offered to the Archives at the time specified in the schedule or list.
- 1517.2 Agencies and the Records Center shall submit to the Archivist on a form specified by the Administrator a request to transfer permanent records and shall follow all guidelines and procedures specified by the Archivist.
- 1517.3 The Archivist may disapprove a transfer of records for the following reasons:
- (a) Lack of space or staff preclude the proper care of the records;
 - (b) Finding aids necessary for the use of the records are not transferred at the same time as the records;
 - (c) Restrictions on the records are such that they preclude use of the records by the public;
 - (d) The records are in such disarray and disorder that they cannot be used practically for research purposes;
 - (e) The percentage of nonrecord and nonpermanent material intermingled with permanent records is so high that the costs of screening the records outweighs the benefits;
 - (f) The records are incorrectly described in the request for transfer; or
 - (g) For other sufficient reasons as determined by the Archivist.
- 1517.4 Records appraised as permanent that are disapproved for transfer because of restrictions on access may be stored in the Records Center.
- 1517.5 The Archivist may accept the transfer of permanent records earlier than the time specified in an approved schedule or Disposal List.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7016-17 (October 30, 1987).

1518 RECORDS IN THE DISTRICT RECORDS CENTER OR OTHER APPROVED STORAGE FACILITY

- 1518.1 Agency records that are accepted for storage by the Records Center or other approved storage depository shall be considered to be under the jurisdiction of the agency which transferred the records.

- 1518.2 The use of records in the Records Center shall be subject to access rules prescribed by the agency from which the records were transferred. When agency rules permit, the Records Manager shall make records in the Center available to requesters.
- 1518.3 When access is precluded by agency restrictions, the Records Manager shall refer to the responsible agency any requests for access, including those made under the Freedom of Information Act.
- 1518.4 In the case of records of a terminated agency for which there is no successor, access to records stored in the Center may be granted by the Administrator.
- 1518.5 The Records Manager shall establish procedures for access to and use of records in a research room and elsewhere in the Records Center.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7017 (October 30, 1987).

1519 REPRODUCTION OF RECORDS IN THE DISTRICT RECORDS CENTER

- 1519.1 The Records Manager shall establish procedures for the reproduction of records in the Records Center.
- 1519.2 The Records Manager shall prohibit the copying of a record by any method that might result in damage to the document.
- 1519.3 The Administrator may charge a fee for reproduction of records by Records Center personnel or with Records Center equipment.
- 1519.4 The Administrator shall publish a fee schedule for the copying of records in the Records Center.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7017-18 (October 30, 1987).

1520 AUTHENTICATION OF REPRODUCTIONS IN THE DISTRICT RECORDS CENTER

- 1520.1 The Records Manager may authenticate and attest copies of records in the Records Center, which shall have the same evidentiary value as those authenticated by the Administrator.
- 1520.2 The Records Manager shall implement the disposition instructions of approved schedules and Disposal Lists for records stored in the Records Center.

1520.3 Records Center personnel shall destroy temporary records stored in the Records Center at the expiration of their scheduled retention period. The parent agency shall be responsible for notifying the Records Manager if records should not be destroyed at the expiration of their retention period.

1520.4 Records Center personnel shall destroy records in accordance with the procedures specified in sections 1513.1 and 1513.2.

1520.5 The Records Manager shall offer permanent records to the Archives at the expiration of their scheduled storage time in the Records Center,

SOURCE: Final Rulemaking published at 34 DCR 7001, 7017-18 (October 30, 1987).

1521 RECORDS OR DONATED HISTORICAL MATERIALS IN THE ARCHIVES

1521.1 Upon accessioning into the Archives, jurisdiction over the records shall pass from the agency that created, maintained, or received the records, to the Archives.

1521.2 The Archivist shall be responsible for the custody, use, withdrawal, and loan of records and donated historical materials transferred to the Archives.

1521.3 The Archivist shall establish procedures for access to and use of records in the research room and elsewhere in the Archives.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7018 (October 30, 1987).

1522 RESTRICTIONS ON THE USE OF RECORDS IN THE ARCHIVES

1522.1 The use of records in the Archives shall be subject to restrictions prescribed by statute or court order, and to restrictions imposed by the agency which transferred the records or by the donor of historical materials.

1522.2 The Archivist shall impose agency restrictions on access to its records in cases where the head of the agency has stated in writing that such restrictions are in the public interest. Agency heads shall justify the restrictions, and shall cite the statute or Freedom of Information Act exemption that authorizes the imposing of restrictions on the use or examination of the records.

1522.3 Such restrictions shall not remain in effect more than thirty (30) years after the records were created unless the Archivist, with the approval of the Administrator, determines for specific records that the restrictions shall remain in force for a longer period.

- 1522.4 The Archivist shall not authorize the opening of any records ordered sealed by a court.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7019 (October 30, 1987).

**1523 REPRODUCTION AND AUTHENTICATION OF RECORDS
IN THE ARCHIVES**

- 1523.1 The Archivist shall establish procedures for the reproduction of records in the Archives.
- 1523.2 The Archivist shall prohibit the copying of a record by any method that might result in damage to the document.
- 1523.3 The Administrator may charge a fee for the copying of records by Archives personnel or with Archives equipment.
- 1523.4 The Administrator shall publish a fee schedule for the copying of records in the Archives.
- 1523.5 The Archivist may authenticate and attest copies of records in the Archives, which shall have the same evidentiary value as those authenticated by the Administrator.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7019 (October 30, 1987).

1524 LOANS OF RECORDS FROM THE ARCHIVES

- 1524.1 The Archivist may loan records from the Archives to the agency that created or transferred the records subject to the following conditions:
- (a) The Archivist shall not loan documents of high intrinsic value;
 - (b) The Archivist shall not loan records that are in fragile condition or otherwise deteriorated to an extent that further handling could endanger them;
 - (c) The Archivist shall not loan records to agencies in order to answer routine inquiries from other agencies or the public; and
 - (d) The official who borrows the records shall assume full responsibility for them, including their prompt return upon the expiration of the time for which they were borrowed.

- 1524.2 The Archivist shall establish standards and procedures for the loan of records for exhibits.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7019-20 (October 30, 1987).

1525 DEACCESSIONING OF RECORDS IN THE ARCHIVES

- 1525.1 The Archivist shall review and reappraise records in the Archives to ensure that they are of enduring value and merit long-term preservation.
- 1525.2 Those records reappraised and found not worthy of continued preservation may be disposed of by deaccessioning. Deaccessioning actions shall be approved by the Archivist, the Administrator, and the Committee.
- 1525.3 When the public interest will be served, the Archivist may recommend the transfer of deaccessioned records to an organization, institution, corporation, or governmental body.
- 1525.4 The Administrator and the Committee shall give prior written approval to such donations of deaccessioned materials.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7020 (October 30, 1987).

1526 LIBRARY OF GOVERNMENTAL INFORMATION

- 1526.1 The Chief of the Library shall establish and issue procedures and standards for the use of Library material in a research room or elsewhere.
- 1526.2 The Chief of the Library shall not impose restrictions on access to or examination of Library materials except in cases where he or she has determined that an item is of such rarity or fragility that handling the material might result in its loss or damage.
- 1526.3 The Chief of the Library shall establish procedures and standards for the loan of Library materials for exhibit or for other purposes.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7020 (October 30, 1987).

1527 REPRODUCTION OF LIBRARY MATERIALS

- 1527.1 The Chief of the Library shall establish procedures for the reproduction of Library material.

- 1527.2 The Chief of the Library shall prohibit the copying of Library material by any method that might result in damage to an item.
- 1527.3 The Administrator may charge a fee for the reproduction of Library material by Library personnel or with Library equipment.
- 1527.4 The Administrator shall publish a fee schedule for the copying of Library materials.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7021 (October 30, 1987).

1528 DISPOSAL OF LIBRARY MATERIALS

- 1528.1 The Archivist may request that disposable material in the Library collection be transferred to the Archives.
- 1528.2 The Chief of the Library may loan or sell other materials not needed by the Library to governmental bodies, private nonprofit organizations, other organizations, or individuals.
- 1528.3 In the event of competing requests for materials, the order of preference shall be as stated in subsection 1528.2, except that absolute priority shall be given to an agency of the District of Columbia.
- 1528.4 The Chief of the Library may sell as wastepaper or otherwise destroy materials that are in excess or outdated.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7021 (October 30, 1987)

1529 MICROGRAPHICS

- 1529.1 Agencies shall obtain prior written approval from the Administrator for the microcopying of agency records and for the purchase or lease of microreproduction equipment.
- 1529.2 Agencies shall request approval in a form specified by the Administrator at least ninety (90) days prior to the beginning of a micrographics project or purchase or lease of microreproduction equipment.
- 1529.3 The Administrator shall notify the agency in writing of his or her decision.
- 1529.4 The Administrator shall establish quality standards for the microcopying of permanent records or of records scheduled to be retained for a period of ten (10) years or more.

- 1529.5 The agency or company that filmed the records shall submit to the Administrator the results of such quality tests on the microcopy as the Administrator shall require.
- 1529.6 Temporary records scheduled to be retained for less than ten (10) years may be filmed in accordance with agency standards.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7021-22 (October 30, 1987)

1530 DISTRIBUTION OF MICROCOPIES

- 1530.1 Unless otherwise specified by the Administrator, agencies shall transfer the silver halide master microcopy of records scheduled to be retained ten (10) years or longer to the Records Center or other storage facility approved by the Administrator for secure storage.
- 1530.2 Agency policy shall determine the distribution of the silver halide master microcopy of records scheduled to be retained less than ten (10) years.
- 1530.3 Agencies shall transfer a reference copy of the microcopy of records scheduled as permanent to the Archives.
- 1530.4 The agency that filmed the records may retain a reference copy of the film for its own use.
- 1530.5 Agency policy shall determine the distribution of the reference copy of the microcopy of records scheduled to be retained less than ten (10) years.

SOURCE: Final Rulemaking published at 36 DCR 1085 (February 3, 1989).

1531 DESTRUCTION OF RECORDS AFTER MICROCOPYING

- 1531.1 The Administrator shall approve the destruction of records after they have been microcopied.
- 1531.2 Sixty (60) days prior to the planned destruction, agencies shall submit to the Administrator, in a form specified by the Administrator, a notice of intent to destroy records that have been filmed.
- 1531.3 If the records to be destroyed are designated as permanent, agencies shall also submit a Microcopy Quality Evaluation.
- 1531.4 If the records are scheduled as temporary and have a retention period of ten (10) years or longer, the Administrator may require that agencies also submit a Microcopy Quality Evaluation.

- 1531.5 The Administrator shall notify the agency in writing of the approval or disapproval of its request to destroy the records that have been filmed.

SOURCE: Final Rulemaking published at 36 DCR 1085, 1086 (February 3, 1989).

1532 USE AND STORAGE OF MICROCOPIES

- 1532.1 The master microcopy of permanent records and of temporary records having a retention period of ten (10) years or longer, shall not be used for reference purposes.
- 1532.2 Duplicate copies shall be used for reference purposes and for further duplication on a recurring basis or for large-scale duplication such as for distribution of records in microform.
- 1532.3 In cases where it is necessary to make duplicates from the master copy, procedures shall ensure that the master copy remains clean and undamaged during the duplication process.
- 1532.4 The Administrator shall establish and issue standards, guidelines, and procedures for the secure storage of the master microcopy of permanent records and of temporary records having a retention period of ten (10) years or longer.
- 1532.5 The Administrator may establish a centralized micrographic service for the benefit of District agencies.
- 1532.6 Such a service shall provide the following:
- (a) Technical advice and assistance in designing and implementing agency microcopying projects and programs;
 - (b) Reimbursable microcopying services including the preparation, indexing, and filming of records, inspection of film, quality testing of microcopies, and other services; and
 - (c) Such other services as the Administrator may specify.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7022 (October 30, 1987)

1533 ESSENTIAL RECORDS

- 1533.1 The Administrator shall establish and issues guidelines, standards, and instructions for the identification of essential records and their security and preservation.

1533.2 Each agency shall establish an essential records program in accordance with directives and instructions issued by the Administrator.

1533.3 The Administrator shall provide for the storage and protection of essential records or duplicate copies of essential records in a secure depository.

SOURCE: Final Rulemaking published at 34 DCR 7001, 7024 (October 30, 1987).

1599 DEFINITIONS

1599.1 For the purposes of this chapter, the following words and phrases shall have the meaning ascribed:

Accession - The acts and procedures involved in the transfer of records or papers into the physical custody of the Archives, Records Center, or other depository.

Act - D.C. Law 6-19, the District of Columbia Public Records Management Act of 1985, as amended, D.C. Code §§ 1-2901 et seq.

Administrator - the Public Records Administrator (or his or her designee) of the Office of Public Records by the authority of section 3(b) of the Act.

Appraisal - The process of determining the value and thus the disposition of records based on their current administrative, legal, and fiscal use; their evidential and informational or research value; and their relationship to other records.

Archives -(1) Those records which have been determined to have sufficient historical or other value to warrant their continued preservation by the District government and which have been accepted for deposit in the custody of the Administrator; (2) the physical building where the archives are kept; or (3) the unit of government responsible for selecting, preserving, and making available archival materials.

Archivist - The Archivist of the District of Columbia.

Deaccession - The disposal by the Archives of accessioned records.

Disposal List - A document providing one-time authorization for the disposition of specified existing records series.

Disposition - The removal by a District agency or other governmental unit of a record no longer necessary for the conduct of public business in accordance with approved records schedules or lists and removal methods and procedures approved by the Administrator and the Committee.

Essential records - those records that are necessary for the continuation of government and the maintenance of public rights and welfare in event of a disaster.

Evidential value - The worth of those records of an agency that are necessary to provide adequate documentation of its organization and functions.

General Records Schedule - A records control schedule governing the retention and disposition of specified recurring records series common to several or all organizations.

Informational value - The value of a record for the information it contains, whether or not the record is of evidential value.

Inventory - A survey of records prior to determining their proper disposition in a records schedule or Disposal List.

Master copy - In micrographics, the film from the first microcopying of a document. When filming permanent or long-term records, the master copy is the silver halide original.

Micrographics - The science and technology of document and information microfilming and associated microform systems.

Noncurrent records - records no longer required for the conduct of current business.

Permanent record - Any record that has been determined to have sufficient value to warrant its preservation by the District Archives.

Records Center - (1) When capitalized, the District of Columbia Records Center; (2) when not capitalized, any facility for the low-cost and efficient storage and furnishing of reference service on semicurrent records pending their ultimate disposition.

Records Manager - The Records Manager of the District of Columbia.

Semicurrent records - Records required so infrequently in the conduct of current business that they may be moved to a records center or other appropriate storage facility.

Series - File units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, have a particular physical form, or because of some other relationship arising out of their creation, receipt, or use. Sometimes called "record series".

Silver halide film - A film that is coated with a silver halide emulsion which is suitable for the microcopying of permanent records and temporary records scheduled to be retained for ten (10) years or longer.

Temporary record - Any record which has been determined to have insufficient value to warrant its preservation by the District Archives.

Unscheduled record - Any record for which no ultimate disposition has been determined.

SOURCE: Final Rulemaking published 34 DCR 7001, 7024-26 (October 30, 1987).

